

J4U8CORC

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

19 Cr. 144 (AKH)

5 VICTOR MONES CORO, et al.,

6 Defendant.

7 -----x  
8 New York, N.Y.  
9 April 30, 2019  
2:30 p.m.

10 Before:

11 HON. ALVIN K. HELLERSTEIN,

District Judge

12 APPEARANCES

13 GEOFFREY S. BERMAN

14 United States Attorney for the  
Southern District of New York

15 EMIL BOVE

Assistant United States Attorney

16 SELENDY & GAY PLLC

17 Attorneys for Defendant Coro

18 CHRISTINE H. CHUNG

19 FRANK J. GAVIRIA

Attorney for Defendant Maal

20 FEDERAL DEFENDERS OF NEW YORK

Attorneys for Defendant Quintero

21 BY: ANNALISA MIRON

22 SABRINA P. SHROFF

23 Also present: PAULA GOLD, Interpreter (Spanish)

J4U8CORC

(Case called)

THE DEPUTY CLERK: Counsel, please state your appearances for the record.

MR. BOVE: Good afternoon, your Honor. Emil Bove for the government.

THE COURT: Good afternoon, Mr. Bove.

MR. GAVIRIA: Good afternoon. Frank Gaviria on behalf of Miguel Leon Maal.

THE COURT: I missed your name.

MR. GAVIRIA: Frank Gaviria.

THE COURT: Defendant Victor Mones Coro is not here. Is that correct?

MS. CHUNG: Your Honor, I am Christine Chung. I represent Mr. Victor Mones Coro, and he has not arrived in the district yet.

THE COURT: Where is he being brought from?

MS. CHUNG: Florida, your Honor. And he was arrested on March 8, 2019. So it's been almost two months.

THE COURT: Michols Orsini Quintero.

MS. MIRON: Good afternoon. Federal Defenders, by Annalisa Miron and Sabrina Shroff, on behalf of Mr. Quintero.

THE COURT: Mr. Quintero is here.

MS. MIRON: Yes, your Honor.

THE COURT: Alejandro Miguel Leon Maal.

MR. GAVIRIA: Good afternoon, your Honor. Frank

J4U8CORC

1 Gaviria on behalf of Mr. Maal. He is present.

2 THE COURT: Thank you.

3 So those are all the defendants who are here.

4 Tell me about the absent ones and what this should  
5 mean for the case.

6 MR. BOVE: Thank you, Judge.

7 Taking first the defendants on the S4 superseding  
8 indictment. Tarek El Aissami Maddah is believed to be in  
9 Venezuela. We don't expect that he will be here any time soon.  
10 We are not seeking his extradition. He is a former Venezuelan  
11 official.

12 THE COURT: You are not seeking his extradition?

13 MR. BOVE: Venezuela does not extradite its citizens.  
14 It would be a lost cause.

15 For the time being, the same is true of Samark Lopez  
16 Bello. We believe he is in Venezuela and unarrestable. We  
17 will certainly update the Court if that changes.

18 THE COURT: So the case will go ahead against Mr. Coro  
19 and Mr. Maal.

20 MR. BOVE: It should, Judge, we believe.

21 THE COURT: Mr. Quintero is not in. That's four.

22 MR. BOVE: He is charged in the S3 superseding  
23 indictment.

24 THE COURT: I have never had a situation where we have  
25 one case with two indictments.

J4U8CORC

1 MR. BOVE: The office does that from time to time,  
2 Judge, when it's unclear what the sequence of the arrests will  
3 be and whether one defendant might be arrested a little bit  
4 earlier, so that unsealing the entire document would lead  
5 others not to travel. That was the case here.

6 THE COURT: But at this point shouldn't there be a  
7 consolidating superseder?

8 MR. BOVE: There should, Judge, and we are prepared to  
9 do that. There is a fourth defendant in the case. Alejandro  
10 Antonio Quintavalle Yrady, who is also outside the United  
11 States. We think there is a better chance that he will be  
12 arrested and extradited. And so we paused on consolidating for  
13 the time being.

14 THE COURT: I think you should consolidate what you  
15 have, and then if you need to consolidate it again, you will  
16 consolidate it again.

17 MR. BOVE: Very well.

18 THE COURT: When will you do it by?

19 MR. BOVE: If I can do --

20 THE COURT: You want to postpone till July 25.

21 MR. BOVE: Yes, please.

22 THE COURT: So before July 25 we will do it.

23 MR. BOVE: Certainly.

24 THE COURT: We can arraign at the July 25 conference.  
25 What production will you be making, Mr. Bove?

J4U8CORC

1 MR. BOVE: The discovery in the case consists of  
2 recordings that were made consensually with people acting at  
3 the direction of the government.

4 THE COURT: In Spanish.

5 MR. BOVE: Yes, almost exclusively. There are right  
6 now draft summary translations of the consensual recordings.

7 THE COURT: You should turn over your translations,  
8 reserving the right to make corrections later on.

9 MR. BOVE: We intend to do that.

10 The other categories --

11 THE COURT: Defendants, you are going to get these  
12 earlier, but they may change with corrections.

13 MR. BOVE: The other categories of discovery are a  
14 large volume of e-mail data from search warrants; they are the  
15 results of searches of physical premises in Florida, two  
16 offices. Those results include hard copy documents, some of  
17 which are in Spanish, as well as entire computers that were  
18 taken out of these offices. There were also devices seized.

19 THE COURT: There is a large volume of items.

20 MR. BOVE: There is, Judge. We have requested right  
21 now a two terabyte hard drive from each defendant in order to  
22 make a full production available.

23 THE COURT: Defendant, it creates a burden for you to  
24 get up to speed. You might want to think of a cooperative  
25 endeavor in order to make your inspections more efficient.

J4U8CORC

1 Ms. Chung and Mr. Gaviria, are you OK with that, a  
2 cooperative endeavor to go through the discovery?

3 MR. GAVIRIA: Yes, your Honor.

4 THE COURT: You should work it out.

5 Ms. Chung, are you OK?

6 MS. CHUNG: We certainly will explore ways to do that.

7 THE COURT: Ms. Miron, that's satisfactory to you and  
8 Ms. Shroff?

9 MS. MIRON: Your Honor, you're raising the possibility  
10 of sharing review responsibilities?

11 THE COURT: Yes.

12 MS. MIRON: We are going to talk amongst ourselves and  
13 see how we can work that out, your Honor.

14 THE COURT: All right. Otherwise it's the duplication  
15 of expense.

16 MS. MIRON: I understand the Court's concern.

17 THE COURT: What do you expect to happen by the 25th  
18 of July?

19 MR. BOVE: I think at that point, Judge, we will  
20 hopefully have completed discovery. There is an issue with the  
21 protective order that I would like to raise at some point.

22 THE COURT: Raise it now.

23 MR. BOVE: The discovery in this case, because it  
24 includes both communications with people who acted at the  
25 direction of the government, as well as documents that relate

J4U8CORC

1 to that, including search warrant affidavits that describe that  
2 assistance, there is very serious safety issues, and it's not  
3 like many of the other cases in the district.

4 THE COURT: Can you redact?

5 MR. BOVE: We cannot redact in a way that would  
6 protect the identity of these individuals.

7 The concern here, Judge, is the top defendant is the  
8 former vice president of Venezuela. This is a nation, it's  
9 publicly known, that is engaged in all manner of human rights  
10 abuses.

11 THE COURT: I am aware. What is your suggestion?

12 MR. BOVE: Right now we are in the process of  
13 negotiating a protective order that we think would provide  
14 adequate safety to the sources and also be mindful of the  
15 defendants' rights here. What I would ask is that you allow  
16 the parties another week to try and come to an agreement on  
17 that, and if we fail to do that, we would file a motion with  
18 the Court for the relief that we think is appropriate in order  
19 to balance these concerns, the safety of the sources and the  
20 defendants' discovery rights.

21 THE COURT: Rather than a motion, which hardens  
22 decisions, if you're not in agreement, in about a week or so  
23 get in touch with Ms. Jones and we will schedule a conference.

24 MR. BOVE: Yes, Judge.

25 THE COURT: Defense, is that satisfactory?

J4U8CORC

1 MS. SHROFF: Yes, your Honor.

2 MR. GAVIRIA: Yes, your Honor.

3 THE COURT: Is there anything else?

4 MR. BOVE: So getting back to your question, Judge,  
5 about --

6 THE COURT: July 25 I will not expect the defendants  
7 to declare their motions. I don't think you will be ready at  
8 that time.

9 MS. SHROFF: Your Honor, would your Honor consider a  
10 slightly later date?

11 THE COURT: Speak to me in your normal loud voice.

12 MS. SHROFF: Your Honor, could you consider just a  
13 week later? My son is playing soccer in the Maccabi Games and  
14 I won't be back, I don't think, by the 25th. It would really  
15 help me out.

16 THE COURT: Anything to help you out.

17 Ms. Jones, can we help out Ms. Shroff?

18 MS. SHROFF: Would early August work?

19 (Pause)

20 THE COURT: We will leave it at the 25th. The  
21 adjournment is to July 25 at 11:00.

22 Mr. Bove, do you move to exclude?

23 MR. BOVE: Yes.

24 THE COURT: Because?

25 MR. BOVE: I move to exclude time pursuant to the



J4U8CORC

1 Speedy Trial Act in the interests of justice to allow the  
2 defendants time to review discovery and to contemplate the  
3 filing of pretrial motions.

4 THE COURT: Without objection?

5 MS. MIRON: No objection.

6 MR. GAVIRIA: No objection.

7 THE COURT: So ordered.

8 Ms. Chung.

9 MS. CHUNG: Your Honor, I just wanted to raise, if we  
10 are not going to reconvene again until July, I have been  
11 conferring with the government about the delay in my client  
12 arriving in this district, and I think we are still trying to  
13 investigate what the cause is because it's been nearly two  
14 months since he was arrested.

15 THE COURT: What can I do?

16 MS. CHUNG: If we can figure out what the glitch is  
17 and fix it, then I think it's fine. If we can't work it out  
18 and for some reason he just doesn't arrive, I would anticipate  
19 making some kind of application to the Court.

20 THE COURT: Any time you want to, Ms. Chung, it will  
21 be OK.

22 Can the marshals offer any help on this?

23 MARSHAL: I can't right now, Judge. I can find out  
24 once we go back downstairs.

25 THE COURT: Would you try to do that and be in touch

J4U8CORC

1 with Mr. Bove?

2 MARSHAL: OK, Judge.

3 THE COURT: Thank you.

4 MS. CHUNG: In case it's useful, your Honor, I know  
5 the facility at which my client is being detained, and  
6 apparently the marshals have been removing people from that  
7 facility and bringing them to New York.

8 THE COURT: The marshals are under very serious  
9 budgetary constraints, and I think that might explain what  
10 happens here.

11 MS. CHUNG: We appreciate all the help, your Honor.

12 THE COURT: We have got to move this gentleman because  
13 it affects the progress of the others as well. See what you  
14 can do, tell your authorities what my feelings are, and maybe  
15 we can get this gentleman here.

16 Anything else?

17 MR. BOVE: No, your Honor. Thank you.

18 MS. MIRON: No. Thank you.

19 MS. SHROFF: Thank you, your Honor.

20 (Adjourned)  
21  
22  
23  
24  
25